

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

UNITED STATES OF AMERICA,	)	
	)	
	)	Case No. 3:10-cr-00260-8
v.	)	William J. Haynes
	)	Federal District Judge
	)	
FADUMO MOHAMED FARAH.	)	

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**MOTION IN LIMINE #2**

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Comes now the accused, Faduma Farah, by and through her counsel, Luke A. Evans, and moves this Honorable Court to issue an order directing the Government as follows:

1. It is anticipated by the accused, that the Government will put on proof that the accused made material false statements to the United States on her Application to Register Permanent Residence or Adjust Status on August 21, 2009. More specifically, it is alleged that Mrs. Farah falsely stated that: 1) that she had not received any government assistance; and 2) that she had not procured anyone for prostitution. Mrs. Farah is indicted on the alleged acts in Count 23 of the indictment which was previously severed from the trial in this cause.

2. Based on the foregoing, the accused moves this Honorable Court to issue an Order directing the Government to refrain from referencing in any manner, in the presence of jury, any and all facts related to the false statements allegedly made by Defendant on August 21, 2009.

3. Any information regarding those allegations would be irrelevant at the trial in this cause pursuant to the *Federal Rules of Evidence*, 401, 402. Moreover, if, said information were allowed to be presented to the jury, it would be unfairly prejudicial to the accused and likely confuse the jury and/or mislead the jury for their consideration of the indicted offense in violation of *Rule 403 of the Federal Rules of Evidence*.

4. Additionally, to introduce such evidence to the jury in this cause would violate Rule 404b of the Federal Rules of Evidence, as it is evidence of “other acts”. The allegations of material false statement have no probative value to the indicted offenses. Therefore, the probative value is substantially outweighed by the danger of unfair prejudice.

5. In the alternative, that the Government be required to conduct a jury out hearing, in full compliance with Rule 404b of the Federal Rules of Evidence, prior to presenting such evidence to the Jury.

WHEREFORE, PREMISES CONSIDERED, the accused, through counsel, moves this Honorable Court for the relief as stated herein, as well as any further general relief that this Court deems both necessary and proper.

Respectfully submitted,

BULLOCK, FLY, HORNSBY & EVANS

/s/ Luke A. Evans

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Certificate of Service

I hereby certify that on March 9, 2012, I electronically filed the foregoing Motion with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: **Van Vincent**, Assistant United States Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, Tennessee 37203; along with the other parties in this case as listed to be noticed in the CM/ECF system.

/s/ Luke A. Evans\_\_\_\_\_

LUKE A. EVANS